

**Dismiss and Opinion Filed June 13, 2016**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-16-00437-CV**

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**IN THE INTEREST OF A.M. AND E.M., CHILDREN**

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**On Appeal from the 397th Judicial District Court  
Grayson County, Texas  
Trial Court Cause No. 07-1232-397**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart  
Opinion by Chief Justice Wright

In a letter dated May 12, 2016, the Court questioned its jurisdiction over this appeal. Specifically, it appeared that appellant sought to appeal the trial court's January 11, 2016 Order on Enforcement for Possession which adjudged appellant in contempt of court. We instructed appellant to file a letter brief addressing our jurisdictional concern and gave appellee an opportunity to respond. In a letter dated May 23, 2016, appellant conceded that the Court does not have jurisdiction over this appeal and that mandamus relief is the appropriate remedy. Appellees have not responded to date.

Courts of appeals lack jurisdiction to review contempt orders on direct appeal. *Tracy v. Tracy*, 219 S.W.3d 527, 530 (Tex. App.—Dallas 2007, no pet.). A party pursuing review of a contempt order involving confinement may file a petition for writ of habeas corpus; a party

seeking review of a contempt order that does not involve confinement may file a petition for writ of mandamus. *Id.*

Because appellant challenges only the trial court's contempt order, we lack jurisdiction over this appeal. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

IN THE INTEREST OF A.M. AND E.M.,  
CHILDREN

No. 05-16-00437-CV      V.

On Appeal from the 397th Judicial District  
Court, Grayson County, Texas  
Trial Court Cause No. 07-1232-397.  
Opinion delivered by Chief Justice Wright.  
Justices Lang-Miers and Stoddart  
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees Jerry Byron and Dian Byron recover their costs of this appeal from appellant David Eugene Martin.

Judgment entered June 13, 2016.